

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JAMES WILKINS	§	CIVIL ACTION NO. _____
	§	NOTICE OF REMOVAL OF
v.	§	ACTION UNDER 28 U.S.C.
	§	§§ 1331 and 1441(b)
NUECES COUNTY, TEXAS	§	(FEDERAL QUESTION)

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Defendant Nueces County, Texas, hereby removes to this Court the state court action described below.

I.

1. On or about November 25, 2013, Cause No. 2013-DCV-5868-D, styled *James Wilkins v. Nueces County, Texas*, was commenced by Plaintiff, James Wilkins, *pro se*, in the 105th Judicial District Court of Nueces County, Texas.

2. Plaintiff has not served Defendant with summons. The citation for personal service was returned by the Constable as “Unserved” on December 6, 2013. Undersigned counsel received a copy of Plaintiff’s Original Petition on December 19, 2013¹. Pursuant to 28 U.S.C. 1446(b), this notice has been timely filed. Copies of the Service of Process, Petition, and Orders filed to date in the state court action are attached hereto as exhibits.

3. This is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and it is one which may be removed to this Court by a defendant pursuant to 28 U.S.C. §1441(b) because it arises under 42 U.S.C. §1983. Plaintiff asserts civil rights complaints about his

¹ Plaintiff has not perfected service of process on Defendant. The County Attorney’s Office became aware of the pending suit on December 19, 2013, after a database search of pending suits against the County was performed. Nueces County, Texas, waives service of summons, and will answer within the time permitted by Fed.R.Civ.P. 81(c).

conditions of confinement at the Nueces County jail.

WHEREFORE, Defendant, Nueces County, Texas, prays that this action be removed to the United States District Court for the Southern District of Texas, Corpus Christi Division.

Respectfully submitted,

LAURA GARZA JIMENEZ,
NUECES COUNTY ATTORNEY

/s/ Alissa Anne Adkins
Alissa Anne Adkins
Attorney in Charge
Assistant County Attorney
Chief of Litigation
Southern District No. 32884
Texas Bar No. 00785653

/s/ N. Joseph Unruh
N. Joseph Unruh
Assistant County Attorney
Southern District No. 1571957
Texas Bar No. 24075198

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**ATTORNEYS FOR DEFENDANT,
NUECES COUNTY, TEXAS**

**FILED WITH PERMISSION OF
ATTORNEY IN CHARGE**

NOTICE OF ELECTRONIC FILING

Undersigned counsel hereby certifies that he has submitted electronically for filing a true and correct copy of this document in accordance with the Electronic Case File System of the Southern District of Texas on January 6, 2014.

/s/ N. Joseph Unruh
N. Joseph Unruh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this document was served on:

VIA CMRRR 7012 1010 0000 1757 1898

Mr. James Wilkins # 10123934
P.O. Box 1529
Corpus Christi, TX 78403-1529

Via Hand Delivery

Ms. Patsy Perez, District Clerk
Nueces County Courthouse, Rm. 313
901 Leopard
Corpus Christi, TX 78401

on this the 6th day of January, 2014.

/s/ N. Joseph Unruh
N. Joseph Unruh